

Case No. F7483(V)

**REMARKS**

Reconsideration of the application is respectfully requested in view of the following remarks and the unentered amendment filed June 20, 2005.

The Office continues to object to the amendment filed January 24, 2005 as introducing new matter. Page 11, middle paragraph states that "the starting rice kernels are introduced by hopper (1) via feeder with weight unit (2)." The undersigned has been informed that one normally measures weight for batch feed portions and not for continuous process feed streams, so this suggests a batch process is used. Also, on page 12, the last few lines of the first paragraph read: "After the time required to perform the process the process is stopped and the product is removed via outlet feed door (8)." This seems even more clearly an indication of a batch process; only for a batch process does one stop the process and remove the product. A continuous process is not stopped after reaction is complete, but just continues feeding in new material and removing products, without stopping the process. Hence, the process described is a batch process.

While the amendment added new language, it is submitted that it did not add new matter; the cited passages describe a batch process so the amendment merely renders explicit what had been implicitly disclosed originally. See In re Wright, 145 USPQ 182,188. "[W]hile new *language* has certainly been added, not all new language is new matter." 145USPQ at 188.

The Office rejects claims 13-21 as being indefinite for reciting a springiness comparable with that of cooked untreated rice and a firmness comparable with that of cooked untreated rice. Table 2 on page 13 of the specification is relied upon because the

Case No. F7483(V)

inventive rice and the untreated rice, in addition to several other rices, are evaluated both for firmness and for springiness. Thus, one of ordinary skill having Table 2 before him or her would be able to judge the springiness and firmness. It is not understood why the information in Table 2 should be recited in the claim. The issue should be whether one of ordinary skill would be able to determine whether he or she is within the claimed invention and Applicants are pointing to Table 2 as providing the artisan sufficient guidance for making that determination.

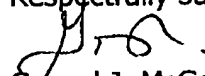
With respect to the invention based on Greethead, the Office indicates that properties such as springiness, etc. would have been inherently possessed by Greethead due to the use of identical materials and treatment perimeters. Applicants disagree since Greethead does not appear to teach a batch process but a continuous one. With respect to the Examiner's comment concerning the toroidal bed, the undersigned has been informed that a toroidal bed can be obtained in a cyclone but can also be obtained in other equipment such as the fluid bed utilized by the present inventors. Thus, a cyclone may include a torodal bed but in a continuous way. It was surprisingly found by the current inventors that by having the toroidal bed operated in a batch process, product properties having the advantages set forth in the specification were possible.

As to combining Greethead and Hecki, U.S. Patent No. 3,701,667 in view of the differences in their apparatuses it is not apparent why one of ordinary skill would be led to use Hecki's batch processing or air speed in Greethead's cyclone process.

Case No. F7483(V)

In view of the foregoing, it is respectfully requested that the application, as amended,  
be allowed.

Respectfully submitted,



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